(*b*) the action taken by Government to redress the grievances pointed out in this article?

Mr. C. J. Mathew *(Joint Secretary to Government):* (*a*) Yes.

(*b*) The Government will see that neither the growers nor the merchants are put to unnecessary loss. By giving the Proclamation retrospective effect, none of the traders will be prejudicially affected.

LEGISLATIVE BUSINESS—NON-OFFICIAL BILLS

The Cochin Verumpattamdars Act (Amendment) Bill—Mr. A. Eeachara Menon

Mr. A. Eachara Menon *(Chittur-Rural):* I beg leave of the House to move that the Cochin Verumpattamdars Act (Amendment) Bill be read in Council.

Mr. T. A. Ramachandara Ayyar *(Nellayi):* I second it.

Mr. A. Eachara Mneon *(Chittur-Rural):* The Verumpattamdars Act has been considered a revolutionary Act, because it does not keep the balance between the verumpattamdar and the jenmi. In the Act it is said that if a verumpattamdar allows a person to encroach upon the jenmi's land, the jenmi can evict him immediately from that portion of land even if it is less than one cent. Supposing that jenmi succeeded in evicting him from that one cent of land, what is the use of it? Can this jenmi put that piece of land, that small bit of land, to any use? Every reader of that provision will think it ridiculous that such a sentence should be in the Statute.

Another thing that I want to bring to the notice of this House is that in these days of evolution when tarawads are being partitioned a member of the tarawad will come into possession of 2, 3 or 5 acres of land. If he does not get those lands for cultivation he will be put to great inconvenience in that he will be able to get the whole benefit of it and he, further, will have no work. The Kuttikrishna Menon Committee made vast enquiries and came to the conclusion that in such cases the owner of the land should be given at least a portion of land for cultivation. It is there stated that at least 5 acres of land should be given. If that is also adopted by us the jenmies also will be benefitted. Now the verumpattamdars won't allow the jenmies to go near the lands. The purchaser looks to the income which he would get. The tax is not given by the verumpattamdar. He does not allow the jenmies to enter the land and try to make up the loss. So the jenmi is a great looser.

***Mr. A. V. Moothedan** *(Chalakkudi):* A Bill in this form has to be opposed. My submission is that there is something in the Bill. As the Verumpattam Act stands to-day it is applicable to all land-holders. Where he has got 2 acres of land and he cannot evict the tenant he loses. In that case there is some hardship, but the Bill as tabled here is not that. The Bill says that any tenant who has more than five acres of land should surrender to the landlord the excess over 5 acres. As a common practice when a landlord leases his land it will be to several tenants, 5 acres, 2 acres, 4 acres, etc. If this Bill is passed it will be almost equivalent to repealing the Act. If a landlord wants his holding he would take into his head and ask the tenant to surrender the whole thing if it is less than five acres and its half if it more than five acres. Now whatever may be the title of the landlord, that is the point here. Suppose the landlord has got 2 thousand acres and it is distributed among the tenants as 5 acres. The landlord can evict tenants in each case as the holding is only less. As my Hon'ble friend made limitation to that this will apply only to the case of landlords. Because after the passing of the Verumpattamdar's Act many middle class people are aggrieved. A man might have 5 acres of land. Father dies. Mother leases to somebody, sons agree. They do not get the proprietary right over their dues. They have no other work. They have to go to Assam or to Ceylon. These tenants are making profits also. These people are more or less land-lords. They never wanted to give representation to the tenants. In that case an exception should be made. This Bill if at all it should be passed it should be made applicable only to small landlords whose proprietary right in Cochin State is less than five acres. The limit is only 5 acres and if he wants for bonafide cultivation some lands which he has leased he would be given freedom to evict.

Mr. K. Narayana Menon *(Mulakunnathukavu):* Sir, I beg to oppose this Bill. In the objects and reasons it is stated "It is ridiculous if the landlord evicts a tenant for all owing a stranger to encroach on a part of the holding however small it be from that part alone" &c. This is not a new aspect that has been brought before the House. This aspect has been discussed

*Speech not corrected by the Hon'ble Member.

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fully when the Bill was before the House and as pointed out in the Kuttikrishna Menon committee report this was as a matter of fact adverted to. If such reservations are made in the Act it will by a well known process negative the Verumpattamdar's Act in operation. There are any number of methods by which the landlord may be able to make out a case and I do not think in this State there are many tenants holding more than 5 acres. If this Act is to be accepted by this House the result will be that this boon conferred upon the Verumpattamdars of the State will be practically deprived of them by the hands of the very same legislature. This Bill is unacceptable and I beg to oppose it.

Mr. M. Sivarama Menon *(Advocate-General):* I wanted to listen to the arguments advanced before I make this statement. Generally when Bills of this nature are introduced into this House, Government usually fix their position and decide whether they should oppose or remain neutral. With regard to this Bill and another Bill coming up to-day for consideration, that is the Bill to be moved by the Hon'ble Member Mr. K. Ayyappan, Government have thought it better to have these Bills referred to the Select Committee to be considered along with the amendments of Mr. Ezhuthassan with the movers of these Bills also as members. We can have a heart to heart discussion and see whether a change is desirable. It does not mean that we have come to an agreement on that matter; we agree that it should be referred to a Select Committee and it does not mean that we agree to the principle involved in the Bill. Government are assuming a position of neutrality and after considering the reports of the Select Committees if Government think that there is a case for consideration, Government will take into consideration all the pros and cons. That is the attitude proposed to be adopted by the Government. The Government also may be given an opportunity to consider this question with the aid and advice of the Select Committee.

***Mr. P. Kumaran Ezhthassan** *(Vadakkancheri):* I had no idea, Sir, to intervene in the debate at this stage. But a particular reference made by the Advocate-General to the Select Committee on the Verumpattamdars' Act (Amendment) Bill now considered by the Select Committee insists me intervening at this moment. The proposition stated by the Hon'ble Advocate-General was that the Government position is that this Bill as also the one tabled by the Hon'ble Deputy President be referred to the same committee. The work of the Select Committee has almost progressed to its end. The one under discussion being of a most controversial nature viewed from the tenants' standpoint, is absolutely objectionable, even considered from the layman's standpoint. Unnecessarily, such a controversial measure the Government proposes to tag to their Select Committee to be considered in all the aspects pertaining to this Bill. To this process, Sir, I do not wish to be a party and it is my hope that that will be the position of very many Hon'ble Members of this House. The effect of that process, Sir, however laudably conceived by the Advocate-General will be to contract the progress of the Select Committee upon a very innocent Bill, the Select Committee work of which is almost all concluded. We have by resolution reserved the consideration of clause 5 relating to the Pattam from cocoanut gardens to such time when the next Bill on the Agenda, *viz.*, that of the Hon'ble Deputy President which relates only to the pattam from cocoanut gardens be referred to if possible to the same committee. If the Select Committee thinks that the Bill pertaining to the pattam from cocoanut gardens is the better one that may be retained or if the Bill of the Hon'ble Member Mr. Ayyappan is the better one that may be retained or if on consideration some via-midia can be worked that can be in-corporated in the Select Committee. The work of the Select Committee has been stopped and it was the hope of that committee that the Bill of theHon'ble Member Mr. Ayyapan, a single clause Bill. will be referred to that committee during the last session of the Council. This unfortunately could not be done owing to the fact that Mr. Ayyappan was in bed and not able to attend the Council. The work of the Select Committee has there been delayed though not fully, for one month. Otherwise that Bill, I am confident, would have been on the Agenda paper in this meeting and could have progressed to the next stage. The intention of the committee is, I believe, at any rate of the mover of the Bill is that the one before the Select Committee may be made available for consideration at the next meeting in Meenam. If the benefit contemplated by the amending Bill is to be accepted by this House the benefits of the Amendment Bill may be made available to the Verumpattam tenants at the earliest possible opportunity. It has become necessary to

*Speech not corrected by the Hon'ble Member.

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refer to one clause of the Bill, that is, the clause referring to pattam from cocoanut gardens. That important clause is the one that profits them.

Under the existing Act they can proceed to eviction on failure on the part of the tenants to pay pattam.

Mr. President: Is it necessary for the Hon'ble Member to depart so far from the Bill that we are now considering?

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* I am done with that part. The Bill will be delayed beyond the life of this Council and till such time as the Select Committee of the new Council which will come 5 or 6 months hence. That benefit cannot be had, I believe if the Select Committee report is not received before the next session. It will have its repurcussions. I cannot be a consenting party to the proposition brought forward by the Hon'ble Advocate-General on the merits of this question. I oppose this and pray that this House may be pleased to throw it out at the earliest stage just now. I have not been able to understand the import of the first clause. The section that is proposed to be amended is clause 8 and its proviso. The proviso is one which is not restricted completely to clause 8 (*g*). It is clause (*e*) that deals with encrochment. Again the diverse interests providing for eviction are given in clause (*f*). Clause (*f*) allows eviction with regard to the portion required for constructing a homestead for the landlord or the persons mentioned in clause (*f*).

A reading of the proposed amendment will suggest that the Hon'ble Mover of this amendment is not concerned with clause (e). That is what strikes me. I do not know whether he is meaning anything else. If there is any misapprehension with regard to my interpretation I would like that that may be made clear. The Hon'ble Mover in moving the Bill did not refer to that clause. He straightaway proceeded to clause 3.

With regard to clause 2 of the Bill I have to submit that it is not in its fulness but certainly I have no objection to that clause being in an analytical manner.

As far as Clause 3 is concerned it is the most mischievous attempt on the part of interested landlords to deprive verumpattamdars of the benefits granted by the Act on the Statute. That is a very clever method adopted in this. The first portion of that clause would suggest that after all it is a very modest request which in some cases may be considered to be essential. It proceeds like this. Add to section 8 a, sub-section (g)

"That at the end of an agricultural year the landlord requires the holding bonafide for his own cultivation, the whole of the holding of it is five or less than five acres and a moiety of it if it is above five acres.

Provided that in any case in which eviction has been obtained if the landlord who has obtained such eviction transfer any of the land to any person on any kind of lease or mortgage with possession of kanam, kuzhikanam or verumpattam within six years of such eviction the cultivating verumpattamdar is entitled to sue for restoration of all the lands from which he has been evicted."

Prima facie a reading of that portion of that clause may create a feeling in the minds of evicted tenants that it is something which has to be granted. But look at the clause that follows less than five acres, "a moiety of it if it is above five acres." What is the limit? It is only a moiety. My friend here says that moiety means 5 acres. I am sorry I made an observation and never thought that my Hon'ble friend would take it to the discussion here. Moiety, as I understand and as put down in English dictionary means only half. If it is 1000 acres that are possessed by a tenant not less than 500 should be surrendered. Under the boon granted by the Government the whole of it can be retained by the tenant. If this Bill is passed the effect will be if there are five acres they will be evicted. If there are 1000 acres 500 will be surrendered. That will be another aspect. All these aspects have been considered as pointed out by my friend, at the Select Committee, with the request to have a provision for eviction. It may appear prima facie that the Select Comittee elaborately went into the question, studied, discussed, dissected the report of Kuttikrishna Menon's Committee. Not only that they also examined it in the light of the experience of the Madras Province with regard to that clause after its enactment and its retention on the Statute Book. If this Bill is passed into law with such clauses and as the clauses are deliberately put and cleverly put, eviction can be got on very plausible grounds. That is abusing the Act passed here. So the idea of having any thing that might abuse should not be in the Act. This House after four full days' discussion passed the Select Committe's Report and the absence of such a clause for eviction was not thought necessary. Now this is an attempt to drive the thin end of the wedge by the Hon'ble Mover of this Bill in a very clever way. He does not care to explain fully but uses the

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word "ridiculous" in the statement of objects and reasons. I do not concede that there is something ridiculous in the whole affair. In the light of what took place in the Select Committee at the time of discussion of the previous report the discussion here really looks ridiculous. I am glad that word finds a place in the statement of objects and reasons. My respectful submission and my appeal to the Hon'bile Members of this House who have spent a thought over the subject is not to abuse it by having such a clause. If some of them spent a thought upon it and view that proposition from the experience of Madras Act which is sufficiently old now, my appeal to them at this stage is that this Bill may be thrown out at once.

The partition deed in a family consisting of various members and possessing appreciably large properties may be divided into 5 acres of land to the annihilation of the tenantry in Cochin. It is such a spurious attempt that has been made. It should be given the treatment that deserves. I oppose.

Mr. K. T. Achuthan *(Ezhuvas-Talappalli):* I also oppose this Bill. I have not very many reasons to state because almost all the reasons have been well-expressed even at the stage of the original Bill. I think one of the oldest members in his old age is now bringing one mischievous Bill which may affect all Verumpattamdars. Suppose he is a big landlord having 40 or 50 acres of land, will he be prepared to sell away after reserving a portion to other people? If he has not got that mentality why should he think that principle has to be accepted by this Bill. Every jenmi would make use of this for eviction purposes to an inproper extent. I do not find any reason at this stage to give my support to this mischievous Bill. I therefore oppose.

Rao Sahib K. Ayyappan *(Ezhuvas-Kanaynnur):* Sir, I also oppose this Bill. This Bill is introduced to remove the supposed hardship of few jenmies. It will end in the real hardship of many tenants. No loop-hole should be given for the jenmies to resort to eviction of tenants. This Bill is a very dangerous one. What I want to say to the House is that we cannot accept the suggestion made by the Advocate-General. The Government say that they will not stand committed to the principle of this Bill even if it is referred to a select committee but the position of the House is different. If this Bill is referred to a Select Committee the House will stand committed to the principle of the Bill. If we are opposed to the principle of the Bill the only course open to the House is to throw it out at this stage. Therefore, the suggestion of the Advocate-General cannot be accepted by the House.

മിസ്റ്റർ കെ. എസ്സ്. പണിക്കർ: സർ, അടുത്തകാലത്തു കൊച്ചിരാജ്യത്തു പാസായ്വെരുമ്പാട്ടകുടിയാൻ ബിൽ വാസ്തവത്തിൽ ജന്മികൾക്കനുകൂലമായ ഒരു ബില്ലായിരുന്നു. സ്ഥിരാവകാശം എന്നുള്ള ഒരു വ്യാജേന കുടിയാന്മാരെ വ്യാമോഹിപ്പിച്ചുകൊണ്ടു് ജന്മികളുടെ കായ്യം നടത്തുവാൻ പാസായിട്ടുള്ള ഒരു ബില്ലാണതു്. ആ ബിൽ ആദ്യം ഇവിടെ അവതരിപ്പിച്ച അവസരത്തിൽതന്നെ ജന്മികൾക്കു് അവരുടെ സ്വന്തം ആവശ്യത്തിന്നു കൃഷിചെയ്യുവാൻ കുറച്ചുസ്ഥലം വിട്ടുകൊടുക്കേണ്ടതാണു് എന്നു ഒരു വാദമുണ്ടായിരുന്നു. എന്നാൽ അതു് അനുവദിച്ചുകൊടുക്കുന്നതായാൽ അധികഭാഗം ജന്മികളും അതു് Abuse ചെയ്യുമെന്നുള്ളയംകൊണ്ടാണു് അന്നതു് സ്വീകരിക്കാതിരുന്നതു്. ഇന്നതു് സ്വീകരിക്കുകയാണെങ്കിൽ കാർഷികസാധനങ്ങളുടെ വില വർദ്ധിച്ചു എന്നതിനെ പരിഗണിച്ചു് ജന്മികൾ അവരുടെ വസ്തുക്കൾമുഴുവൻ കൈവശപ്പെടുത്തുവാൻ ശ്രമിക്കുന്നതായിരിക്കും. അതുകൊണ്ടു് ഈ ബിൽ സെലക്ട്കമ്മിറ്റിക്കു അയയ്ക്കേണ്ട ആവശ്യമില്ല. ഈ സ്റ്റേജിൽതന്നെ ഇതു് തള്ളിക്കളയണമെന്നപേക്ഷിച്ചുകൊണ്ടു ഞാൻ ഇതിനെ ശക്തിയായി എതിർക്കുന്നു.

Mr. K. Ashtamoorthi Nambudiripad *(Land-holders,):* Though I support the principle of this Bill, I cannot support the provisions of this Bill as they are. But I have no objection to refer the Bill to a Select Committee.

Mr. M. Sivarama Menon *(Advocate-General):* Sir, if my former statement has lent itself to be interpreted as meaning that the Government is going to remain neutral even if an opposition to the introduction of this measure is raised in this Council, I must be excused for that. The real spirit of my statement was that the Government have not committed themselves to any definite position either with regard to the Bill of the Hon'ble Member Mr. Eachara Menon or of Mr. Ayyappan or of Mr. Ezhuthassan but that the Government are prepared to reconsider the whole position after the Select Committee reports on all these Bills are received. Government will take a decision only after taking stock of the whole balance of justice between the landlord and the tenant. That does not mean for a moment that if this Bill is thrown out at this

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stage the Government will remain neutral because the Government must have an opportunity to reconsider the whole position and that can be achieved only if the Bill goes to a select committee. On my part I would say that with the express reservation contained in the statement that Government are not committed to any principle the Government are prepared to reconsider the whole position aided with the advice of the non-official members of the Select Committee and of this House. There are two different principles involved, one in the Bill of Mr. Ayyappan and another in the Bill of Mr. Ezhuthassan. Mr. Ezhuthassan wants pattam to be calculated on the basis of figures of a particular period while on the other hand Mr. Ayyappan says that the average for the last twenty years should be taken. We took some evidence. Some tenants are against the principle of Mr. Ayyappan while others extol it. Some others are in favour of the principle of Mr. Ezhuthassan's Bill. There is a conflict of interests between these persons. When a person is giving evidence the question reconsiders may be "will I have to pay a higher pattam". From amidst this tangle we must devise a principle. That is a difficult task. Therefore, the Government only say that the House must be ready to reconsider the position. One cannot say that the last word has been said on that subject.

Rao Sahib K. Ayyappan *(Ezhuvas-Kanayannur):* If the House is against eviction will not the House be committed to that principle?

Mr. M. Sivarama Menon *(Advocate-General):* We know each other's mind. When the House considers a Bill and refers the matter to a Select Committee it is losely said that we accept the principle. We are prepared to reconsider the whole position and let us go into the same to enable the Government to take a decision. The Government is bound to see that the balance of justice is kept up between the two opposing classes. If there are fresh arguments to be adduced there must be an opportunity to consider them. We are agreed that there is some appreciable hardship. When Mr. Ezhuthassan's Bill happened to be considered by the Select Committee and the principle of the cocoanut pattam began to be discussed we found various difficulties. We examined three witnesses. There have been deputations from the side of the landlords with regard to the denial of the right of eviction for purpose of self-cultivation. Government have adopted the stand they took before. When there is agitation in the minds of both these classes why not we reconsider the entire position?

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* The agony is prolonged.

Mr. M. Sivarama Menon *(Advocate-General):* But the so-called agony is not on one side alone. Therefore, if this House is going to throw out this measure at this stage Government will be constrained to oppose such an attitude. We want an opportunity for discussion. To that limited extent the Government will have to throw in their weight for the motion.

Rao Sahib K. Ayyppan *(Ezhuvas-Kanayannur):* Is it the view of the Advocate-General that the House can refer it to the Select Committee without committing itself to any principle.

Mr. M. Sivarama Menon *(Advocate-General):* With the open reservation made by us and in the light of the statement made by the Government to the effect that it is to afford us an opportunity to consider this matter afresh, that we go into the Select Committee, I do not think that we are committed to any principle.

Mr. A. Eachara Menon *(Chittur-Rural):* The fate of my Bill is in the balance. But I cannot allow Mr. Ezhuthassan to go scot-free. He has said that a word "ridiculous" has been used by me in my statement of objects and reasons. It refers only to section 8 (e). "That he has intentionally or otherwise allowed a stranger to encroach on the holding or part thereof adversely to the interests of the jenmi or any intermediate landlord between himself and the jenmi". The portion encorached upon will be only very little and the power is given to the jenmi to evict the encroacher. What can he do with that small portion from which the tenant has been evicted. He can do nothing with that and in case a verumpattamdar allows the adjacent jenmi to encroach upon another half a cent, the jenmi has to go to court to get him evicted. Is it not ridiculous? Why should he take objection to the word ridiculous? That is why I read that section.

Another Hon'ble Member asked whether the jenmi will be prepared to sell his lands. I can assure him that he can get as much land as he wants provided he has money to pay for it.

The other argument trotted out by Mr. Ezhuthassan is that this point has been well threshed out and it should not be considered at all in this House.

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Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* I never said, that. I said Select Committee.

Mr. A. Eachara Menon *(Chittur-Rural):* Select Committee. That means one rule for one act and another rule for another similar act, quite in keeping with my Hon'ble friend. He said "supposing a verumpattamdar has got 2000 acres of land". He knows nothing about these verumpattamdars. Has he come across any person who has such a big area to be cultivated? That simply shows his colossal ignorance as to how much lands these verumpattamdars own. It will not be more than 200 acres at the most.

***Mr. P. Kumaran Ezhuthassan** *(Vadakkancheri):* I move that the business under discussion be passed and in moving that I may be allowed to state my reasons. Generally such a motion will be considered as an obstructive tactics to get over a certain contingency. It is not in that spirit. From the Government attitude one of opposition being converted into neutrality, neutrality developing into deliberate opposition for reasons stated by the Hon'ble Member, the result of a vote upon this at this time will be to send it to the Select Committee with these reservations that the Council will not stand committed to the principle. When the Select Committee is appointed, because of the importance of the subject, the self-cultivation eviction question, the pattam of garden lands, then the forfeiture of deposit, these will be three main questions that will be considered by the committee and it will naturally take up a long time. Therefore, there is no prospect of the Select Committee report being ready by the next meeting. Therefore, the money and labour spent upon the Select Committee now appointed will be a waste because it is appointed on the eve of an election which is to take place in the month of Edavam. There is no guarantee that the members of the committee will be returned to the Council. Even if that happy or unhappy contingency arises there is no provision for that committee continuing the work. Therefore, just to avoid a waste of public funds and energy on a very important matter containing controversial questions my respectful submission to this Houe is that this business be now passed over, so that the duty of bringing forward amendments may be left to be attended to by the Hon'ble Members who may be here before Karkadagam. The colour of the new Council can be known at the time of the election and the turn will be according to the colour of the new Council. Therefore, I move this motion not in a spirit of obstructive tactics but with the constructive suggestion that public funds need not be wasted upon a thing which will not go further than the select committee stage.

Mr. C. V. Iyyu *(Kunnamkulam):* I second the motion.

Mr. President: I take it that the Hon'ble Member wishes to move that the Council pass over to the business next in order.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* Yes.

Mr. M. Sivarama Menon *(Advocate-General):* I oppose this motion. If we proceed to the next business in the agenda, of course, it will be divesting for the present an opportunity for consideration of this question. It appears to the Government that it will be an injustice to one section to refuse the consideration of this Bill while Mr. Ezhuthassan's Bill is being considered by the Select Committee. For these and other reasons stated by me I oppose the motion.

Motion put and lost

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* A poll, Sir.

The House divided

AYES

Messrs.		Messrs.	
1.	B. M. Peter.	10.	A. B. Salem.
2.	K. R. Achyutan.	11.	K. Ayyappan.
3.	C. V. Iyyu.	12.	P. J. George.
4.	Ephraim Ouseph.	13.	K. M. Ibrahim.
5.	K. T. Achyuthan.	14.	A. T. Kunji Palu.
6.	K. S. Panicker.	15.	M. Nanu Menon.
7.	T. V. Kochuvaried.	16.	P. Kumaran Ezhuthassan.
8.	P. Narayana Menon.	17.	Thomas Karikkasseri.
9.	P. P. Devassy.	18.	K. R. Ramakrishnan.
	19. P. K. Krishnan.		

* Speech not corrected by the Hon'ble Member.

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NOES

1. Mrs. A. N. Menon

Messrs.

2. Khan Sahib Ismail Hajee Essa Sait.
3. A. Eachara Menon.
4. K. Ashtamurthi Nambudiripad.
5. C. Kunjan Nambudiripad.
6. C. N. Ittiravi Nambudiri.
7. V. K. Bhaskara Menon.
8. T. A. Ramachandra Ayyar.
9. T. S. Ramachandra Ayyar.
10. Shabdai S. Koder.
11. N. Govinda Pai.
12. C. J. Luiz.

Messrs.

13. N. V. Subbarayan Chetty.
14. Rama Varmha Tampuran.
15. A. Madhava Prabhu.
16. M. Sivarama Menon.
17. B. V. K. Menon.
18. C. J. Mathew.
19. Khan Sahib Y. Mohamed Roshan Sahib Bahadur.
20. Rao Sahib M. M. Paul.
21. S. Venkiteswaran.
22. P. V. Raphael.
23. V. K. Aravindaksha Menon.
24. Rao Sahib I. N. Menon.
25. Rao Sahib Dr. T. Varghese.

Mr. President: 19 for and 25 against. The motion is lost.

The motion that the Bill be read in council was put to vote and carried

Mr. M. Sivarama Menon *(Advocate-General)* : A poll, Sir.

The House divided

AYES

1. Mrs. A. N. Menon.

Messrs.

2. Khan Sahib Ismail Haji Eassa Sait.
3. A. Eachara Menon.
4. K. Ashtamoorthi Nambudiripad.
5. C. Kunhan Nambudiripad.
6. C. N. Ittiravi Nambudiri.
7. V. K. Bhaskara Menon.
8. T. A. Ramachandra Ayyar.
9. T. S. Ramachandra Ayyar.
10. Shabdai S. Koder.
11. N. Govinda Pai.
12. C. J. Luiz.
13. N. V. Subbarayan Chetty.

Messrs.

14. Rama Varmha Tampuran.
15. A. Madhava Prabhu.
16. M. Sivarama Menon.
17. B. V. K. Menon.
18. C. J. Mathew.
19. Khan Sahib Y. Muhamad Roshan Sahib Bahadur.
20. Rao Sahib M. M. Paul.
21. S. Venkiteswaran.
22. P. V. Raphael.
23. V. K. Aravindaksha Menon.
24. Rao Sahib I. N. Menon.
25. Rao Sahib Dr. T. Verghese.

NOES

Messrs.

1. B. M. Peter.
2. K. R. Achuthan.
3. C. V. Iyyu.
4. Ephraim Ouseph.
5. K. T. Achuthan.
6. P. J. George.
7. P. Narayana Menon.
8. A. V. Moothedan.
9. P. P. Devassy.
10. A. B. Salem.
11. Rao Sahib K. Ayyappan.

Messrs.

12. K. S. Panickar.
13. M. Nanu Menon.
14. P. Kumaran Ezhuthassan.
15. C. K. Nayar.
16. K. Narayana Menon.
17. K. J. Thomas.
18. K. R. Ramakrishnan.
19. P. K. Krishnan.
20. K. M. Ibrahim.
21. A. T. Kunipalu.

Mr. President: 25 for and 21 against. The motion is carried.

Secretary to the Legislative Council: The title of the Bill is the Cochin Verumpattamdar's Act Amendment Bill.

Mr. M. Sivarama Menon *(Advocate-General)*: I move that the Cochin Verumpattamdars' Act Amendment Bill be referred to the same Select Committee to which Mr. Ezhuthassan's Bill has been referred. The Members of that Select Committee are—

1. The Advocate-General.
2. The Diwan Peishkar.

Messrs.

3. C. K. Nayar.
4. Ephraim Ouseph.

Messrs.

5. P. Kumarn Ezhuthassan.
6. T. S. Ramachandra Ayyar.
7. K. T. Achuthan.
8. A. Eachara Menon.

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The mover is included in that Select Committee. I heard a complaint that the land-holder's interests were not represented in the committee and I think that we will do well to include the Jenmi Member Mr. Ashtamoorthi Nambudiripad.

Mr. B. V. K. Menon *(Joint Secretary to Government):* I second it.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* Sir, I move that the names of Messrs Ibrahim, K. S. Panickar and Iyyu also be added to the Select Committee.

Motion put and carried.

Mr. M. Sivarama Menon *(Advocate-General):* I move that the Select Committee may be directed to report before the 1st of Meenam.

Motion put and carried

The House rose for lunch at 1-30 p.m. and reassembled at 2-30 p.m. with the Hon'ble President in the Chair

The Cochin Verumpattamdars Act (Amendment) Bill—Rao Sahib K. Ayyappan

Rao Sahib K. Ayyappan *(Ezhuvas-Kanayannur):* Sir, I move that the Cochin Verumpattamdars Act (Amendment) Bill be read in Council.

Mr. K. Narayana Menon *(Mulakunnathukavu):* I second it.

Mr. M. Sivarama Menon *(Advocate-General):* The Government adopt the same position with regard to this Bill as we adopted in the case of the Bill moved by Mr. Eachara Menon.

Motion put and carried

Secretary to the Legislative Council: The title of the Bill is the Cochin Verumpattamdars Act (Amendment) Bill.

Rao Sahib K. Ayyappan *(Ezhuvas-Kanayannur):* I move that the Bill be referred to the same Select Committee with these additional members, namely, the mover of the Bill and Mr. K. Narayana Menon.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* I second it.

Motion put and carried

Rao Sahib K. Ayyappan *(Ezhuvas-Kanayannur):* The report may be submitted before the 1st of Meenam.

Motion put and carried

The Cochin Specific Relief Act (Amendment) Bill—Mr. K. Narayana Menon

Mr. K. Narayana Menon *(Mulakunnathukavu):* Sir, I beg to move that the Cochin Specific Relief Act (Amendment) Bill be read in Council.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* I second it.

Mr. K. Narayana Menon *(Mulakunnathukavu):* Sir, a like Bill was introduced in this House by the Hon'ble Member, the then Member for Planters Mr. V. J. Mathai during the Budget Session of 1118 in August and it was referred to a Select Committee. Subsequent to that the Hon'ble Member ceased to be a Member of this House and the Bill has lapsed. The present Bill that I seek to introduce in this Council is on the same lines as the one introduced by the then Member for Planters. I also propose, if the House is pleased to allow the Bill to be read in Council, to refer the Bill to the same Select Committee subject, of course, to the exception of those members who are not available and to substitute others in their places. With regard to the object of this Bill and the purpose which the Bill is intended to serve, I have only to add a few words over and above what has been stated in the Statement of Objects and Reasons. It has been held by our High Court in 6 Cochin Law Journal 527 as follows with regard to the specific question whether the High Court has powers to issue a writ:—

"On the question whether the High Court has jurisdiction to issue the writ, their Lordships did not express any opinion as the question could not be fully and elaborately argued on account of exigencies of time. Since on the merits the petition was liable to be dismissed, there was no necessity also to decide the question of jurisdiction."

But there was an earlier occasion when the then Chief Court considered this aspect of the question in 19 Cochin. It has been held in that case that "There is no statutory provision investing the Chief Court with jurisdiction to entertain independent original petitions for issue of Writs of Mandamus. The Chief Court does not possess any such jurisdiction independently of statute also".

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